

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

)	Directive for Amended Complaint No. 98-106
In the matter of:)	Administrative Civil Liability
)	for
Truck Parts Company)	Violations of the California Water Code
11675 Sheldon Street)	Section 13376
Sun Valley, CA 91352)	
)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Truck Parts Company is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Los Angeles Region (hereinafter Regional Board), may impose civil liability pursuant to Section 13385 of the California Water Code (CWC).
2. On April 22, 1999, a hearing on this matter was held before the Regional Board during a public meeting in the Council Chambers, Camarillo City Hall, 601 Carmen Drive, Camarillo, California. You and/or your representative(s) had an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board.
3. At the hearing, the Regional Board considered whether to affirm, reject or modify the proposed administrative civil liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. The State of California has adopted a General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit). The General Permit requires facilities to submit a Notice of Intent (NOI) if the facility presents an exposure threat to storm water runoff as prescribed by the General Permit.
5. On March 24, 1992, Truck Parts Company, (Permittee) filed an NOI signed by Mr. Peter Neumann to comply with the terms of the General Permit. By filing an NOI, the Permittee is required to comply with all terms and conditions of this General Permit, which includes submission of an annual report to the Regional Board, as well as implementation of an effective storm water pollution prevention plan.

6. The General Permit requires each permittee to submit an annual report by July 1 of each year. Regional Board records show that the Permittee has not submitted three annual reports due in years from 1996 through 1998. The Permittee has been in violation of the General Permit for 1008 days (July 2, 1996 to April 5, 1999) and is civilly liable for a total of 1008 days of violation.
7. On February 6, 1997, the Regional Board sent a notice advising the Permittee to submit the 95/96 annual report, which was due on July 1, 1996. On April 28, 1998, the Regional Board issued a Notice of Violation to the Permittee for non-submittal of the 96/97 annual report. On August 17, 1998, the Regional Board sent a notice of non-compliance letter to the Permittee for failure to submit the 97/98 annual report. On October 14, 1998, Regional Board staff spoke with Mr. Peter Newman by telephone. Mr. Newman stated that he would send in the annual reports by November 14, 1998. On December 3, 1998, the Regional Board sent a Notice of Violation to the Permittee for non-submittal of the 97/98 annual report.
8. The annual reports have not been submitted to date. The Permittee is in violation of the General Permit, the Federal Clean Water Act, and the California Water Code. Accordingly, on December 22, 1998, the Executive Officer of the Regional Board issued Complaint No. 98-106, an Administrative Liability for WDID No. 4B19S005937. The complaint alleged that the Permittee failed to submit annual reports from 1996 through 1998. The Executive Officer recommended a civil liability of \$15,750.00. This amount was in addition to \$750.00 for three years of unpaid annual fees ($\$250 \times 3 = \750).
9. On January 21, 1999, Regional Board staff spoke with the Permittee by telephone. The Permittee stated that there is no longer a storm water pollution threat at the facility in question (11675 Sheldon Street, Sun Valley) because it has only been used at a warehouse since 1992. Auto dismantling activities were moved to a new location at 15204 Arrow Hwy, Baldwin Park, in 1992. Regional Board records show that a Notice of Intent was filed for the new location in 1992 (WDID No. 4B19S005936).
10. Section 13385(a)(2) of the CWC provides that any person who violates any waste discharge requirements issued pursuant to the Federal Water Pollution Control Act shall be civilly liable. Section 13385(c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) for each day the violation occurs. The total maximum liability that may be assessed for this violation is \$10,080,000.00.
11. In determining any liability to be imposed, CWC Section 13385(e) requires the Regional Board to consider the following factors:
 - a. Nature, circumstances, extent, and gravity of the violations: The Permittee has been notified and given sufficient time to submit annual reports. The Permittee has not complied; therefore, no reduction in the maximum civil liability is warranted.
 - b. The ability to pay: The Regional Board lacks sufficient information to determine the Permittee's ability to pay. It is assumed, however, that the

maximum liability of \$10,080,000.00 is in excess of the financial resources available to the Permittee. Therefore, a reduction in the civil liability is warranted.

- c. Prior history of violations: The Permittee has been in violation for three years since July 2, 1996, when its first annual report was due. Therefore, no reduction in the civil liability is warranted.
 - e. Economic benefit or savings: The Permittee realized cost savings by failing to perform required sampling and analyses and failing to prepare the annuals reports. Therefore, no reduction in the civil liability is warranted.
 - f. Other matters as justice may require: Staff time to prepare this Complaint is estimated to be \$900 (12 hours at \$75 per hour).
12. Recommended Civil Liability: Upon consideration of the foregoing factors as required by CWC Section 13385(e), on April 9, 1999, the Executive Officer issued a civil liability of \$8,500.00 for violation of the General Permit requirements. Upon consideration and deliberation of the evidence presented at the hearing on April 22, 1999, the Regional Board affirmed the imposition of an administrative liability in the amount of \$8,500.00.

IT IS HEREBY ORDERED that, pursuant to Section 13323 of the California Water Code, Truck Parts Company shall make payment of \$8,500.00 over the course of two years. This payment shall be paid by eight quarterly installments commencing with the first installment due on May 24, 1999. The quarterly installments of \$1,062.50 shall be made by certified check or money order, and payable to the State Water Resources Control Board, Cleanup and Abatement Account. A payment of \$1,062.50 is due on or before each of the dates listed below:

- 1. May 24, 1999
- 2. August 24, 1999
- 3. November 24, 1999
- 4. February 24, 2000
- 5. May 24, 2000
- 6. August 24, 2000
- 7. November 24, 2000
- 8. February 24, 2001

In the event that Truck Parts Company fails to comply with the requirements of this Directive for Amended Complaint No. 98-106, including installments to be received in accordance with the above schedule, the Executive Officer is authorized to refer this matter to the Office of Attorney General for enforcement.

I, Dennis A. Dickerson, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board on April 22, 1999.

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Dennis A. Dickerson
Executive Officer

Dated: April 26, 1999